

IN THE SUPREME COURT OF THE STATE OF DELAWARE

LYNN M. SMITH,	§
	§ No. 403, 2006
Petitioner Below-	§
Appellant,	§
	§ Court Below—Family Court
v.	§ of the State of Delaware
	§ in and for New Castle County
CAROL M. GUEST,	§ Petition No. 04-20625
	§ File No. CN04-08601
Respondent Below-	§
Appellee.	§

Submitted: July 27, 2006  
Decided: August 15, 2006

Before **STEELE**, Chief Justice, **JACOBS** and **RIDGELY**, Justices

**ORDER<sup>1</sup>**

This 15<sup>th</sup> day of August 2006, it appears to the Court that:

(1) The petitioner-appellant, Lynn M. Smith, has petitioned this Court, pursuant to Supreme Court Rule 42, to appeal from the Family Court's interlocutory ruling on June 27, 2006, which denied the motion of respondent-appellee, Carol M. Guest, to dismiss Smith's custody petition on jurisdictional grounds.

(2) On July 25, 2006, the Family Court certified an interlocutory appeal to this Court pursuant to Rule 42. The Family Court found that the interlocutory order determined a substantial interest and established a legal

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<sup>1</sup> The Court has sua sponte assigned pseudonyms to the parties. Supr. Ct. R. 7(d).

right under Rule 42. The Family Court also found that the interlocutory order had sustained the controverted jurisdiction of the trial court under Rule 42(b) (ii) and that a review of the interlocutory order might terminate the litigation or might otherwise serve considerations of justice under Rule 42(b) (v).

(3) Applications for interlocutory review are addressed to the sound discretion of this Court and are granted only in exceptional circumstances.<sup>2</sup> We have examined the Family Court's June 27, 2006 decision according to the criteria set forth in Rule 42. In the exercise of its discretion, this Court has concluded that exceptional circumstances do not exist in this case to merit interlocutory review of the decision of the Family Court.

NOW, THEREFORE, IT IS ORDERED that the within interlocutory appeal is REFUSED.

BY THE COURT:

/s/Henry duPont Ridgely  
Justice

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<sup>2</sup> Supr. Ct. R. 42.